

Senate File 563

S-3214

1 Amend Senate File 563 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 FY 2023-2024 APPROPRIATIONS

6 Section 1. JUDICIAL BRANCH.

7 1. There is appropriated from the general fund of the state
8 to the judicial branch for the fiscal year beginning July 1,
9 2023, and ending June 30, 2024, the following amounts, or so
10 much thereof as is necessary, to be used for the purposes
11 designated:

12 a. For salaries of supreme court justices, appellate court
13 judges, district court judges, district associate judges,
14 associate juvenile judges, associate probate judges, judicial
15 magistrates and staff, state court administrator, clerk of
16 the supreme court, district court administrators, clerks of
17 the district court, juvenile court officers, board of law
18 examiners, board of examiners of shorthand reporters, and
19 commission on judicial qualifications; receipt and disbursement
20 of child support payments; reimbursement of the auditor
21 of state for expenses incurred in completing audits of the
22 offices of the clerks of the district court during the fiscal
23 year beginning July 1, 2023; and maintenance, equipment, and
24 miscellaneous purposes:

25 \$193,350,550

26 Of the moneys appropriated in this lettered paragraph,
27 no more than \$250,000 is allocated for reimbursement to the
28 indigent defense fund created in section 815.11 for travel
29 time claims as required under section 815.7A, subsection 2, if
30 enacted by 2023 Iowa Acts, Senate File 562 or House Study Bill
31 251, or successor legislation.

32 b. For deposit in the revolving fund created pursuant to
33 section 602.1302, subsection 3, for jury and witness fees,
34 mileage, costs related to summoning jurors, costs and fees for
35 interpreters and translators, and reimbursement of attorney

1 fees paid by the state public defender:

2 \$ 3,600,000

3 c. For payment of expenses for court-ordered services
4 provided to juveniles who are under the supervision of juvenile
5 court services, which expenses are a charge upon the state
6 pursuant to section 232.141, subsection 4:

7 \$ 3,290,000

8 (1) Of the moneys appropriated in this lettered paragraph,
9 no more than \$1,556,000 is allocated to provide school-based
10 supervision of children under chapter 232, of which no more
11 than \$15,000 may be used for purposes of training. A portion
12 of the cost of each school-based liaison officer shall be paid
13 by the school district or other funding source as approved by
14 the chief juvenile court officer.

15 (2) Of the moneys appropriated in this lettered paragraph,
16 no more than \$748,000 is allocated for the payment of expenses
17 for court-ordered services provided to children who are under
18 the supervision of the department of health and human services,
19 which expenses are a charge upon the state pursuant to section
20 232.141, subsection 4.

21 (3) Notwithstanding section 232.141 or any other provision
22 of law to the contrary, the moneys appropriated in this
23 lettered paragraph shall be distributed to the judicial
24 districts as determined by the state court administrator. The
25 state court administrator shall make the determination of the
26 distribution amounts on or before June 15, 2023.

27 (4) Notwithstanding chapter 232 or any other provision of
28 law to the contrary, a district or juvenile court shall not
29 order any service which is a charge upon the state pursuant
30 to section 232.141 if there are insufficient court-ordered
31 services moneys available in the district court distribution
32 amounts to pay for the service. The chief juvenile court
33 officer shall encourage use of the moneys appropriated in this
34 lettered paragraph such that there are sufficient moneys to pay
35 for all court-ordered services during the entire fiscal year.

1 The chief juvenile court officer shall attempt to anticipate
2 potential surpluses and shortfalls in the distribution amounts
3 and shall cooperatively request the state court administrator
4 to transfer moneys between the judicial districts' distribution
5 amounts as prudent.

6 (5) Notwithstanding any provision of law to the contrary,
7 a district or juvenile court shall not order a county to pay
8 for any service provided to a juvenile pursuant to an order
9 entered under chapter 232 which is a charge upon the state
10 under section 232.141, subsection 4.

11 (6) Of the moneys appropriated in this lettered paragraph,
12 no more than \$83,000 may be used by the judicial branch
13 for administration of the requirements under this lettered
14 paragraph.

15 (7) Of the moneys appropriated in this lettered paragraph,
16 \$23,000 is allocated to the judicial branch to support the
17 interstate commission for juveniles in accordance with the
18 interstate compact for juveniles as provided in section
19 232.173.

20 d. For juvenile justice delinquency prevention pursuant to
21 section 232.192, if enacted by 2023 Iowa Acts, Senate File 285
22 or House File 699, or if not enacted, for juvenile delinquent
23 graduated sanctions services pursuant to section 232.192, as
24 enacted by 2022 Iowa Acts, chapter 1098, section 70:

25 \$ 12,253,000

26 Any state moneys saved as a result of efforts by juvenile
27 court services to earn a federal fund match pursuant to Tit.
28 IV-E of the federal Family First Prevention Services Act
29 of 2018, Pub. L. No. 115-123, for juvenile court services
30 administration is appropriated to the judicial branch for
31 purposes of this lettered paragraph.

32 2. The judicial branch, except for purposes of internal
33 processing, shall use the current state budget system, the
34 state payroll system, and the Iowa finance and accounting
35 system in administration of programs and payments for services,

1 and shall not duplicate the state payroll, accounting, and
2 budgeting systems.

3 3. The judicial branch shall submit monthly financial
4 statements to the legislative services agency and the
5 department of management containing all appropriated accounts
6 in the same manner as provided in the monthly financial status
7 reports and personal services usage reports of the department
8 of administrative services. The monthly financial statements
9 shall include a comparison of the dollars and percentage
10 spent of budgeted versus actual revenues and expenditures on
11 a cumulative basis for full-time equivalent positions and
12 dollars.

13 4. The judicial branch shall focus efforts upon the
14 collection of delinquent fines, penalties, court costs, fees,
15 surcharges, or similar amounts.

16 5. It is the intent of the general assembly that the offices
17 of the clerks of the district court operate in all 99 counties
18 and be accessible to the public as much as is reasonably
19 possible in order to address the relative needs of the citizens
20 of each county. An office of the clerk of the district court
21 shall be open regular courthouse hours.

22 6. In addition to the requirements for transfers under
23 section 8.39, the judicial branch shall not change the
24 appropriations from the amounts appropriated to the judicial
25 branch in this division of this Act, unless notice of the
26 revisions is given to the legislative services agency prior
27 to the effective date. The notice shall include information
28 on the judicial branch's rationale for making the changes and
29 details concerning the workload and performance measures upon
30 which the changes are based.

31 7. The judicial branch shall submit a semiannual update
32 to the legislative services agency specifying the amounts of
33 fines, surcharges, and court costs collected using the Iowa
34 court information system since the last report. The judicial
35 branch shall continue to facilitate the sharing of vital

1 sentencing and other information with other state departments
2 and governmental agencies involved in the criminal justice
3 system through the Iowa court information system.

4 8. The judicial branch shall provide a report to the general
5 assembly by January 1, 2024, concerning the amounts received
6 and expended from the court technology and modernization fund
7 created in section 602.8108, subsection 7, during the fiscal
8 year beginning July 1, 2022, and ending June 30, 2023, and the
9 plans for expenditures from each fund during the fiscal year
10 beginning July 1, 2023, and ending June 30, 2024.

11 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
12 provision to the contrary, for the fiscal year beginning July
13 1, 2023, and ending June 30, 2024, if all parties in a case
14 agree, a civil trial including a jury trial may take place in a
15 county contiguous to the county with proper jurisdiction, even
16 if the contiguous county is located in an adjacent judicial
17 district or judicial election district. If the trial is moved
18 pursuant to this section, court personnel shall treat the case
19 as if a change of venue occurred.

20 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
21 602.1509, for the fiscal year beginning July 1, 2023, and
22 ending June 30, 2024, a judicial officer may waive travel
23 reimbursement for any travel outside the judicial officer's
24 county of residence to conduct official judicial business.

25 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
26 the annual salary rates for judicial officers established by
27 2022 Iowa Acts, chapter 1145, section 6, for the fiscal year
28 beginning July 1, 2023, and ending June 30, 2024, the supreme
29 court may by order place all judicial officers on unpaid leave
30 status on any day employees of the judicial branch are placed
31 on temporary layoff status. The biweekly pay of the judicial
32 officers shall be reduced accordingly for the pay period in
33 which the unpaid leave date occurred in the same manner as
34 for noncontract employees of the judicial branch. Through
35 the course of the fiscal year, the judicial branch may use an

1 amount equal to the aggregate amount of salary reductions due
2 to the judicial officer unpaid leave days for any purpose other
3 than for judicial salaries.

4 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent
5 of the general assembly that the judicial branch utilize
6 the Iowa communications network or other secure electronic
7 communications in lieu of traveling for the fiscal year
8 beginning July 1, 2023, and ending June 30, 2024.

9 DIVISION II

10 APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES

11 Sec. 6. Section 602.6301, Code 2023, is amended to read as
12 follows:

13 **602.6301 Number and apportionment of district associate**
14 **judges.**

15 1. ~~There shall be one district associate judge in counties~~
16 ~~having a population of more than thirty-five thousand and less~~
17 ~~than eighty thousand; two in counties having a population of~~
18 ~~eighty thousand or more and less than one hundred twenty-five~~
19 ~~thousand; three in counties having a population of one~~
20 ~~hundred twenty-five thousand or more and less than one hundred~~
21 ~~seventy thousand; four in counties having a population of one~~
22 ~~hundred seventy thousand or more and less than two hundred~~
23 ~~fifteen thousand; five in counties having a population of two~~
24 ~~hundred fifteen thousand or more and less than two hundred~~
25 ~~sixty thousand; six in counties having a population of two~~
26 ~~hundred sixty thousand or more and less than three hundred~~
27 ~~five thousand; seven in counties having a population of three~~
28 ~~hundred five thousand or more and less than three hundred~~
29 ~~fifty thousand; eight in counties having a population of three~~
30 ~~hundred fifty thousand or more and less than three hundred~~
31 ~~ninety-five thousand; nine in counties having a population of~~
32 ~~three hundred ninety-five thousand or more and less than four~~
33 ~~hundred forty thousand; ten in counties having a population of~~
34 ~~four hundred forty thousand or more and less than four hundred~~
35 ~~eighty-five thousand; and one additional judge for every~~

1 ~~population increment of thirty-five thousand which is over~~
2 ~~four hundred eighty-five thousand in such counties. However,~~
3 ~~a county shall not lose a district associate judgeship solely~~
4 ~~because of a reduction in the county's population. If the~~
5 ~~formula provided in [this section](#) results in the allocation~~
6 ~~of an additional district associate judgeship to a county,~~
7 ~~implementation of the allocation shall be subject to prior~~
8 ~~approval of the supreme court and availability of funds to the~~
9 ~~judicial branch. The supreme court shall prescribe, subject~~
10 ~~to the restrictions of this section, a formula to determine~~
11 ~~the number of district associate judges who will serve in each~~
12 ~~judicial election district. The formula shall be based upon~~
13 ~~a model that measures and applies an estimated case-related~~
14 ~~workload formula of judicial officers, and shall account for~~
15 ~~administrative duties, travel time, and other judicial duties~~
16 ~~not related to a specific case. A district associate judge~~
17 ~~appointed pursuant to [section 602.6302](#) or [602.6307](#) shall not~~
18 ~~be counted for purposes of [this section](#) and the reduction of~~
19 ~~a district associate judge pursuant to [section 602.6303](#) also~~
20 ~~shall not be counted for purposes of [this section](#).~~

21 2. For purposes of this section, "vacancy" means the death,
22 resignation, retirement, or removal of a district associate
23 judge, or the failure of a district associate judge to be
24 retained in office at the judicial election, or an increase in
25 judgeships under the formula prescribed in subsection 1.

26 3. In those judicial election districts having more
27 district associate judges than the number of judgeships
28 specified by the formula prescribed in subsection 1, vacancies
29 shall not be filled.

30 4. In those judicial election districts having fewer or
31 the same number of district associate judges as the number of
32 judgeships specified by the formula prescribed in subsection 1,
33 vacancies shall be filled as the vacancies occur.

34 5. In those judicial districts that contain more than one
35 judicial election district, a vacancy in a judicial election

1 district shall not be filled if the total number of district
2 associate judges in all judicial election districts within
3 the judicial district equals or exceeds the aggregate number
4 of judgeships to which all of the judicial election districts
5 of the judicial district are authorized by the formula in
6 subsection 1.

7 6. An incumbent district associate judge shall not be
8 removed from office because of a reduction in the number of
9 authorized judgeships specified by the formula prescribed in
10 subsection 1.

11 DIVISION III

12 VIDEO RECORDINGS

13 Sec. 7. Section 602.3205, Code 2023, is amended to read as
14 follows:

15 **602.3205 Audio and video recordings.**

16 1. Except as provided in [subsection 2 or 3](#), a certified
17 shorthand reporter's audio and video recordings used solely
18 for the purpose of providing a verbatim written transcript of
19 a court proceeding or a proceeding conducted in anticipation
20 of use in a court proceeding shall be considered the personal
21 property and private work product of the certified shorthand
22 reporter.

23 2. An audio or video recording of a certified shorthand
24 reporter appointed under [section 602.6603](#) shall be provided to
25 the presiding judge or chief judge for an in camera review upon
26 court order for good cause shown.

27 3. *a.* An audio or video recording of a certified shorthand
28 reporter shall be provided to the board upon request by the
29 board if a disciplinary proceeding is pending regarding the
30 certified shorthand reporter who is a respondent under the
31 provisions of [section 602.3203](#) or the rules of the board of
32 examiners of shorthand reporters, [Iowa court rules, ch. 46](#).

33 *b.* The audio and video recordings provided to the board
34 pursuant to [this subsection](#) shall be kept confidential by the
35 board in a manner as provided in [section 272C.6, subsection 4](#).

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DIVISION IV

NONCONTRACT ATTORNEY APPOINTMENT

Sec. 8. NONCONTRACT ATTORNEY APPOINTMENT. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, a court shall not appoint a noncontract attorney under section 815.10, subsection 3, without the noncontract attorney's consent.

DIVISION V

CONTRACTING AUTHORITY

Sec. 9. NEW SECTION. 602.1209A State court administrator may contractually limit vendor liability.

1. The state court administrator may authorize the procurement of goods and services in which a contractual limitation of vendor liability is provided for and set forth in the documents initiating the procurement.

2. a. The state court administrator shall consider all of the following criteria when determining whether to permit a contractual limitation of vendor liability with regard to any procurement of goods or services:

(1) Whether authorizing a contractual limitation of vendor liability is necessary to prevent harm to the state from a failure to obtain the goods or services sought, or from obtaining the goods or services at a higher price if the state refuses to allow a contractual limitation of vendor liability.

(2) Whether the contractual limitation of vendor liability is commercially reasonable when taking into account any risk to the state created by the goods or services to be procured and the purpose for which they will be used.

b. The state court administrator may consider additional criteria.

3. Notwithstanding subsection 1, a contractual limitation of vendor liability shall not include any limitation on the liability of any vendor for intentional torts, criminal acts, or fraudulent conduct.>

2. Title page, by striking line 1 and inserting <An Act relating to the judicial branch, including appropriations

1 to the judicial branch, apportionment of district associate
2 judges, video recordings, noncontract attorney appointment, and
3 contracting authority.>

JULIAN GARRETT